Respectful Behaviour Policy

Introduction

We really value our interactions with people who use our service. Being able to communicate effectively and respectfully is fundamental to how we serve the public. We work hard to make our service open and accessible. We want people to be, and to feel, heard and understood. We also understand that emotions and complaints go hand in hand.

Sometimes people's behaviour goes beyond what we can accept because it affects our ability to do our work or our colleagues' wellbeing. When this happens, we will take action by following this policy.

This policy helps us make sure we have a safe and respectful environment for people who work for us, work with us, or use our service.

What the policy covers

This policy applies to all interactions between external parties (including people who bring complaints to us and organisations we investigate) and the Public Service Ombudsman. It also applies to comments made to or about our colleagues in other places, including online. It explains how we will manage unacceptable behaviour that does not meet our mutual respect requirements.

Mutually respectful behaviours

Our service charter explains the behaviours we expect. These behaviours are based on mutual respect and our values.

Our mutual respect requirements include:

- respect and dignity: treating everyone with respect and dignity
- empathy: understanding and recognising the feelings and perspectives of others
- equality: making sure everyone is treated fairly, without discrimination.

We will not accept behaviour that does not uphold mutual respect, negatively affects our colleagues' wellbeing, or affects our ability to do our work. We give examples of the types of behaviour we mean by this at the end of this policy.

If someone using our service has concerns about our behaviours not meeting our service charter commitments, they can raise this as feedback about our service or a service complaint.

We will manage unacceptable behaviours by people accessing our service in a way proportionate to the impact of the behaviour, as set out below.

Our zero-tolerance approach

We have a zero-tolerance approach to any threats of harm or harassment towards our colleagues. Harassment is a course of conduct that causes alarm or distress to another person. It can include actions such as repeated unwanted communication, threats, stalking or any behaviour that makes someone feel scared, distressed or threatened. It is an offence under the Protection from Harassment Act 1997.

If this behaviour happens, we are likely to stop all direct contact without warning.

It will be escalated to a manager and will likely be reported to the police.

Our unacceptable behaviour process: ask, warn, manage

For most unacceptable behaviour, we will apply a three-stage approach. We will keep a record on the person's (or organisation's) file on our case management system including:

- details about the incident
- the stage in our unacceptable behaviour process
- the end date of any warning or restriction

1. Ask

This is usually done by the person who experienced or saw the behaviour, or a colleague on their behalf.

- We will tell people why their behaviour was unacceptable and ask them not to repeat or continue it.
- We will ask if there is a specific issue causing distress and see whether we need to make any reasonable adjustments to our service.
- In calls or meetings, we will ask for a change in the unacceptable behaviour and explain that this is needed for the call or meeting to continue. If the unacceptable behaviour continues after this request, we empower all our colleagues to tell people they are ending the call and then end the call immediately. When this happens, we may follow up with a warning in writing or start future calls or meetings by agreeing 'ground rules' for the communication to continue.

2. Warn

All colleagues can give a warning about unacceptable behaviour.

- If the behaviour continues, happens again or carries on after the first request to stop it, we will give a warning explaining the consequences of continued unacceptable behaviour.
- Where possible, we will follow up verbal warnings in writing.
- Warnings will stay in place for six months after we communicate them. At this point they will expire if the behaviour has not been repeated or continued, but we will keep them on record in line with our record retention policy.

3. Manage

All colleagues can apply a formal action or restriction to manage unacceptable behaviour. Some restrictions need escalated approval as set out below.

It is very unusual for us to need to apply restrictions to organisations or people acting in a professional capacity. Where this is necessary, it will always be discussed and agreed with the Ombudsman or a member of the Ombudsman's Executive Team. In the event of Executive Team availability issues, or to address any potential conflicts of interest, this can alternatively be approved by an Assistant Deputy Ombudsman or Head of Ombudsman Assurance.

If the same or similar unacceptable behaviour continues or happens again while a warning is in place, we will take appropriate and proportionate action to manage or restrict contact.

We may apply measures such as:

- only allowing contact with a specific colleague
- meeting with the person to discuss their communication or behaviour
- returning correspondence with unacceptable communication highlighted and explaining we will only respond if re-sent without offending content
- asking for a behaviour contract to be agreed, which will set out the conditions for contact or work continuing
- restricting contact to a particular channel (for example, phone, email or letter)

- not providing direct contact details or colleagues' names where there is a risk this could lead to harassment
- explaining that we will read future correspondence and put it on file but not respond to it (unless new complaints are raised)
- physically returning posted letters to blocked contacts
- restricting the issues we will correspond on
- restricting the time or volume of contact
- extending the time we take to respond to written contact (beyond our usual 10 working day target, or apply 10 working days from the most recent contact)
- blocking emails or refusing phone calls
- communicating through a third party, such as an advocate, rather than direct contact
- a 'time out': pausing work on a case for a defined period of time.

In severe cases, we may need to consider blocking all contact and stopping work on the case or enquiry, or refusing to accept any further enquiries or complaints from the person. This will only happen with approval from the Ombudsman or one of the Ombudsman's Executive Team (or where there are Executive Team availability issues, or to address any potential conflicts of interest, an Assistant Deputy Ombudsman or Head of Ombudsman Assurance).

We will explain (in writing where possible) why we have made a decision, and what arrangements we have put in place for any necessary continued contact.

Where necessary, we may increase the type of restriction or management of contact if earlier attempts have not been successful.

Restrictions will stay in place for six months after the last instance of unacceptable behaviour (this may mean the end date is extended if the same or similar behaviour continues, repeats or is attempted during the restriction). At this point restrictions will expire, but we will keep them on record in line with our record retention policy.

If the same or similar behaviour happens again within six months of the restriction ending, we may put a restriction in place again without further warning.

A restriction is a last resort and only follows a fair warning. Decisions to apply restrictions are final and there is no right of appeal.

Closed cases

If written contact relates to a closed case and we have already explained that we will not respond further about that matter, we may log the contact but not read or respond to it.

The Equality Act and reasonable adjustments

We will look at reasonable adjustments we can make to reduce or remove barriers for disabled people, as defined by the Equality Act 2010. Where appropriate, we may adapt this policy and how we apply it to make reasonable adjustments.

We understand that disability can affect how someone is able to communicate with us. Where this might be a factor, we will consider the needs and circumstances of the person and how we (or other sources of support) can help them to access our service.

This does not mean we will put in place unreasonable adjustments or accept behaviours that are harmful to our colleagues or our ability to delivering our service.

We will always consider whether disabled people could be affected unfairly by how we deliver our service and we will take reasonable steps to avoid or minimise this.

We will get specialist advice on this where helpful, and always if we are thinking of declining an adjustment someone has requested.

Supporting our colleagues

We will provide regular training and support materials to colleagues on managing difficult situations and de-escalation techniques.

Colleagues should promptly tell their manager (or, in their absence, another manager or colleague) if they have experienced unacceptable behaviour. They should follow this up with an incident report recorded on our Case Management System and notified to their manager. The manager should discuss with them what support they might need following the incident. This may include:

- connecting them with a mental health first aider
- referring them to our employee assistance programme
- making sure they have no further contact with the person who has behaved unacceptably
- the manager taking over management of the behaviour or communication with the service user, where appropriate.

Types and examples of unacceptable behaviour

This list does not cover everything, but it explains some of the behaviours we will not accept.

Unacceptable demands

Demands may be unacceptable because of the nature or scale of service expected.

Examples include:

- asking for responses in an unreasonable amount of time
- demanding to speak with senior colleagues or contacting senior colleagues to try to get a different answer or outcome
- persistent or too much complaining that is not in proportion to the issues raised
- raising the same issues repeatedly without giving us new information
- unfair or vexatious (intended to cause annoyance, frustration, or worry) requests for information
- repeatedly changing the details of a complaint or raising unrelated issues
- refusing to accept that we have explained our decision.

Unacceptable levels of contact

Communication may be unacceptable because of the volume or frequency of it.

Examples include:

- contacting us repeatedly or too much while we are looking at the issue or complaint (for example, multiple calls or emails in one day or too much contact over a short period of time)
- repeatedly sharing copies of information that has already been sent
- changing the way the issue or complaint is set out in a way that makes it hard to do our job effectively (for example, multiple emails or phone calls giving different information or angles each time).

Refusing to work with us

We may need to ask people to work with us so we can make progress on an issue or complaint. Sometimes they may refuse to do this.

Examples include:

- refusing to give us information or evidence we have asked for (including personal details we need to do our job effectively)
- not giving us a summary of concerns or refusing to give us information
- not giving us comments or responses in a reasonable amount of time
- not agreeing to a complaint scope (an agreement about which parts of your complaint we will look at) in a reasonable amount of time
- going over the same issues repeatedly or not keeping to an agreed agenda or timeframe for a conversation.

Overbearing, disrespectful or controlling behaviour

Examples include:

- talking over people or repeatedly interrupting
- recording people or taking screenshots without their knowledge or permission (or sharing these)
- manipulative behaviour such as lying, passive-aggression, 'gaslighting'

(psychologically manipulating someone into questioning their own sanity, memory, or powers of reasoning), criticising, withholding, blaming, making someone uncomfortable to try gaining an advantage, or deliberately causing doubt and confusion

- threats of self-harm to try influencing us (we will signpost to other agencies better qualified or skilled to support people with this).

Aggressive or abusive behaviour

This includes any behaviour, language or images, in any format, that:

- makes our colleagues feel intimidated, uncomfortable, threatened or abused
- makes someone feel concerned that a colleague may be harmed by the communication or behaviour.

It may include behaviour about any protected characteristic defined in the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation).

Examples include:

- verbal abuse of any kind
- degrading, patronising, defamatory, offensive, discriminatory or derogatory language or behaviour
- rudeness
- being increasingly agitated or intimidating
- making allegations that are not true
- comments or actions that subtly, and sometimes unconsciously, express prejudice towards or about someone from a marginalised group (often called microaggressions). This can take many forms, for example:
  - asking someone they see as 'foreign' where they are 'really from'
  - assuming someone speaks for everyone who shares their characteristics (examples include: 'As a woman, can you explain why women are so emotional?'. Or 'You're a senior, why don't older people like technology?' These comments assume that one person's opinion or experience can represent an entire gender or age group, which is unfair and inaccurate.
  - stereotyping based on someone's age, saying phrases such as 'okay boomer!' or calling younger people 'snowflakes'.

Zero tolerance: stalking, harassment and threats of harm

Stalking and harassment are offences under the Protection from Harassment Act 1997. Even one instance of threatening behaviour is likely to be treated in line with our zero-tolerance approach to protect our colleagues. This means we are likely to stop all direct contact without warning and report the person to the police.

Examples include:

- threats (including implied) or harm to people or property
- sexual harassment (including sexual comments, jokes and name calling)
- 'doxing' (sharing private or identifying information online about a person or group without their consent, usually with harmful intent)
- cyber stalking (using the internet to harass someone)
- unwanted gifts or repeated unwanted contact
- looking for or approaching our colleagues outside of the Ombudsman channels, including online
- identity theft (including signing people up to services in their name without their consent).

Policy Information

Related policies:

Service Charter Service Model Policy and Guidance: Review and Feedback Guidance

Version control

Date	Version	Content/changes made	Owner of changes
19/12/2024	1.0	Draft for consultation	Head of Ombudsman Assurance (Emily Sills)
21/1/2025	1.1	Second draft for OLC and wider colleague consultation	Emily Sills
6/2/2025	1.2	Third draft following colleague feedback and international benchmarking - for Content Team input	Emily Sills
12/2/2025	1.3	Final draft for OLC sign off	Emily Sills
13/3/2025	1.4	Final draft for ET sign off	Emily Sills
18/3/2025	1.5	Executive Team approved final policy	Executive Team

Review Date

Date	Owner of review
1 October 2025 then biannually thereafter	Head of Ombudsman Assurance